

## Hatchery Salmon ESA Listing Review Action Plan

### Introduction

The *Alsea Valley Alliance v. Evans* decision raises important questions about how the Endangered Species Act (ESA) should be applied to those salmon populations that include fish reared in hatcheries. The rationale of this decision could potentially affect, in addition to Oregon Coast coho salmon, 23 out of 25 listed salmon and steelhead populations on the West Coast.

In response, NMFS will be taking four steps:

- (1) NMFS will immediately begin a public rulemaking process, including public hearings, to determine what ESA listing standards should be applied to salmon populations that include fish reared in hatcheries.
- (2) When completed, these standards will be applied promptly to all ESA-listed salmon and steelhead populations and not just the Oregon Coast coho ESU which was the subject of the *Alsea* decision.
- (3) In the meantime, it is vital that the region's efforts to protect and rebuild these populations, which are beginning to show signs of success, be continued to assure a full recovery of healthy salmon and steelhead runs. NMFS will increase its support for local planning efforts to rebuild salmon runs, and will provide interim planning targets for the areas with listed salmon and steelhead populations.
- (4) Except for the Oregon Coast coho, where the Court ordered delisting, no other salmon or steelhead populations will be delisted at this time. The current protections of the Endangered Species Act will continue in force until appropriate standards are developed and the status of each listed population has been reviewed under the new standards, using the most recent data about the populations. Until this review is completed, it is not known what actions will be taken regarding other populations or whether the Oregon Coast coho population will again be determined to need ESA protection.

### 1) Rulemaking on artificial propagation impacts.

Schedule: Publication by February, 2002, with a 60-day comment period and public hearings. Final published by September, 2002

Summary: This will be an open proceeding with public hearings and comment about how the ESA should be applied to those salmon populations that include fish reared in hatcheries. It will also address

the extent to which hatchery populations can be used to accelerate recovery, and long-term standards for hatchery operation to assure that hatchery practices will not undermine a rebuilding or recovered population. Since this proposal is a significant policy for implementing the ESA, it will be conducted as a rule-making under the Administrative Procedures Act .

## **2) Reinitiate status reviews of all similarly situated ESUs.**

Schedule: Proposed listing determinations for all 24 potentially affected ESUs, including Oregon Coast coho, within 45 days of completion of artificial propagation rulemaking.

Summary: The Oregon Coast coho ESU and the remaining similarly situated ESUs will receive updated status reviews applying the standards developed in the artificial propagation rulemaking. It is our goal to complete all of the status reviews within 45 days following the conclusion of the rulemaking.

To prepare for this, the Northwest Fisheries Science Center will begin immediately updating information on the status of affected ESUs, and will include information from the 2001 returns. The intention is to have the technical information complete and ready for the application of the standards developed in the rulemaking at the time the rulemaking is concluded.

## **3) Increased support for local planning efforts**

Summary: Several state and one regional planning processes are being organized to develop comprehensive subbasin plans. These plans will identify the major factors limiting salmon recovery in each of these areas, and provide a local assessment of how these factors can best be addressed. Typically, these local planning groups include participation by representatives of state agencies, tribes, local governments, and interested citizens and stakeholders.

NMFS believes that these plans are a critical next step toward salmon recovery. We will work with states, tribes, other federal agencies, and regional agencies such as the Northwest Power Planning Council to assure that the local efforts have adequate resources and technical assistance.

However, the plans cannot move ahead very far without some tangible goals. Providing interim goals will give planners a target to shoot for while this rulemaking and status review are underway, and will help to keep the physical recovery efforts moving forward in a practical way. These targets, and the plans that address them, should also help to reduce the uncertainty, and the costs associated with it, that would otherwise occur for landowners and other stakeholders affected by the habitat-related impacts.

NMFS expects to develop interim planning targets to guide development of delisting and recovery goals for Pacific salmon and steelhead within the next 2-3 months.

**4) Maintain protection for ESUs while the status reviews and rulemaking are underway.**

Summary: Protected status will continue for all currently listed populations during the review. In the instance of the Oregon Coast coho, NMFS will seek the cooperation of the federal land management agencies and the State of Oregon to assure that a high level of protection continues for this population while its status is being reviewed.